



**Ohio Consumers' Counsel**

Robert S. Tongren  
Consumers' Counsel

**DOCKET FILE COPY ORIGINAL**

August 14, 1998

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

**Re: FCC Docket No. 98-141**

Dear Mr. Caton:

Enclosed please find the original and fourteen (14) copies of the Ohio Consumers' Counsel's Motion for Extension of Time to be filed in the above-referenced proceeding.

Please date-stamp and return the additional copy in the pre-addressed, postage prepaid envelope to acknowledge receipt.

Sincerely,

Terry Etter  
Assistant Consumers' Counsel

TE/mvw  
Enclosure

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
)  
Application of SBC Communications, Inc. and )  
Ameritech Corporation for a Declaration of )  
Common Ownership Under Part 62 of the )  
Commission's Rules and a Blanket Authorization )  
Under Section 212 of the Communications Act to )  
Have Common Officers and Directors )

CC Docket No. 98-141

**MOTION FOR EXTENSION OF TIME**

On July 30, 1998, the Federal Communications Commission (FCC or Commission) released a Public Notice<sup>1</sup> regarding the above-captioned proceeding. In its Public Notice, the Commission established September 15, 1998, as the deadline for filing comments and petitions to deny and October 15, 1998, as the deadline for filing oppositions or responses to the comments and petitions to deny.<sup>2</sup>

Pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, the Ohio Consumers' Counsel (OCC),<sup>3</sup> the City of Toledo,<sup>4</sup> the Missouri Public Counsel,<sup>5</sup> the

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<sup>1</sup> Public Notice, SBC Communications, Inc. and Ameritech Corporation Seek FCC Consent for a Proposed Transfer of Control and Commission Seeks Comment on Proposed Protective Order Filed By SBC and Ameritech, DA 98-1492 (July 30, 1998).

<sup>2</sup> *Id.* at 2.

<sup>3</sup> The OCC is the statutory representative of Ohio's residential consumers in matters involving Ohio's public utilities. *See* O.R.C. Chapter 4911. Because Ameritech Ohio is the largest telephone company in terms of access lines in the state, Ohio's residential consumers, and therefore the OCC, have an important interest in this proceeding.

<sup>4</sup> The City of Toledo is an Ohio municipality of approximately 355,000 population. Ameritech Ohio is the primary local exchange company for the Greater Toledo area.

<sup>5</sup> Missouri Public Counsel is a state agency established pursuant to § 386.700 RSMo 1994, whose function is to represent consumers of telecommunications services. Because SBC is the primary provider of local exchange service in Missouri and Ameritech is a recently certified competitive local exchange company in SBC's Missouri service area, the Missouri Public Counsel has an interest in this proceeding.

Michigan Attorney General,<sup>6</sup> the Indiana Office of Utility Consumer Counselor,<sup>7</sup> the Texas Office of the Public Utility Counsel,<sup>8</sup> The Utility Rate Network,<sup>9</sup> and the Edgemont Neighborhood Coalition<sup>10</sup> (collectively hereinafter referred to as “Consumer Groups”) hereby move for a 60-day extension of time for filing pleadings in this proceeding. The requested extension of time would enable interested parties to provide more thorough and deliberate input into the record of this proceeding. This in turn will assist the Commission in its consideration of the weighty policy issues presented by this merger. In addition, the extension would allow the affected states much-needed time to prepare the competitive analysis noted by the Commission in its Bell Atlantic-NYNEX merger decision.<sup>11</sup>

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<sup>6</sup> The Michigan Attorney General’s appearance and intervention are authorized by MCL 14.28, MCL 14.101; MSA 3.211, and by his common law powers. This power to intervene can be exercised whenever he determines that the public interest so requires it. MCL 14.28; MSA 3.181. Numerous residents of the State of Michigan are customers and ratepayers of Ameritech. The interest of these customers and ratepayers is a public one, common among virtually every such customer and ratepayer in the State of Michigan.

<sup>7</sup> The Indiana Office of Utility Consumer Counselor (OUCC) is an agency of the State of Indiana duly authorized to represent Indiana ratepayers in state and federal proceedings, including proceedings before the FCC. Indiana Code Sec. 8-1-1.1-9.1. Because Ameritech Indiana is the largest telephone company in terms of access lines in the state, Indiana’s ratepayers, and therefore the OUCC, have an important interest in this proceeding.

<sup>8</sup> The Texas Office of the Public Utility Counsel (OPC) is a governmental agency of the State of Texas which has been designated by law to represent residential and small commercial utility consumers of the state. OPC is responsible for representing those interests before Texas and federal regulatory agencies, as well as the courts. Because SBC is the primary provider of local exchange service in Texas, the OPC has an interest in this proceeding.

<sup>9</sup> The Utility Reform Network (TURN) is a non-profit consumer advocacy organization which represents the interests of California’s residential and small business customers of telecommunications utilities. Because SBC, through its Pacific Bell subsidiary, is the primary provider of local exchange service in California, TURN has an interest in this proceeding.

<sup>10</sup> The Edgemont Neighborhood Coalition (Edgemont) is a nonprofit corporation based in a low income, African American neighborhood in Dayton, Ohio, which works to expand economic and educational opportunities and improve the quality of life for its members and all residents of the neighborhood. Because Ameritech Ohio is the primary local exchange provider for the Dayton area, Edgemont has an interest in this proceeding.

<sup>11</sup> See *In the Application of NYNEX Corporation and Bell Atlantic Corporation for Consent to Transfer of Control of NYNEX Corporation and Its Subsidiaries*, File No. NSD-L-96-10, Memorandum Opinion and Order, August 14, 1997, ¶ 26, n.45.

The public interest necessitates that the Commission allow adequate time to compile the record in this proceeding. The proposed merger would directly affect consumers in 12 states. It involves two of the largest companies in the *world* – companies that control more than 53 million local exchange access lines.<sup>12</sup> These companies have the ability to advance – or inhibit – the competitive vision of the 1996 Telecommunications Act.

In this proceeding, the Consumer Groups intend to offer a thorough analysis of the proposed merger. However, this analysis is not expected to be completed until mid to late October. Therefore, the Consumer Groups seek an extension of the deadline to file comments and petitions to deny until November 16, 1998. Responses and objections would be due December 16, 1998. This short extension of the deadlines would not adversely affect the applicants, because they also face approval proceedings in at least three states and the Securities and Exchange Commission<sup>13</sup> and had not anticipated completion of the approval process until the latter half of next year.<sup>14</sup>

The Commission is well aware of the magnitude of consolidation within the telecommunications industry. For example, Chairman Kennard has expressed the need for the Commission “‘to take a hard look at all of these transactions to see if they can fit within the pro-competitive thrust’ of the 1996 Telecommunications Act.”<sup>15</sup> Moreover,

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<sup>12</sup> SBC controls 33.4 million local exchange access lines in its seven-state region. *See* Application, Description of the Applicants and Their Existing Businesses at 1. Ameritech controls 20 million local exchange access lines in its five-state region. *Id.* at 2.

<sup>13</sup> *See* “SBC-Ameritech Merger Must Pass Muster in 3 of 5 Ameritech States,” State Telephone Regulation Report, May 15, 1998.

<sup>14</sup> Ameritech Chairman Richard Notebaert has stated that the process could take up to 18 months. *See id.* at 3.

<sup>15</sup> “Ameritech and SBC haven’t shown benefits of merger, F[C]C chief says,” Cleveland Plain Dealer, July 31, 1998, at 1-C.

Commissioner Ness recently noted that the FCC's role in telecommunications mergers "has never been more important, given the historic changes that are now underway in this vital sector of the American economy."<sup>16</sup> The record in this proceeding, therefore, should be as complete as possible to allow the Commission to make an informed, reasoned decision. The Consumer Groups urge the Commission to grant the requested extension of time.

Respectfully submitted,



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<sup>16</sup> Statement of Commissioner Susan Ness, Federal Communications Commission, on Mergers and Consolidation in the Telecommunications Industry before the Committee on the Judiciary, U.S. House of Representatives, June 24, 1998 [<http://www.fcc.gov/Speeches/Ness/States/stsn820.html> (visited Aug. 4, 1998)]

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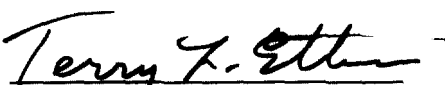
Counsel for Edgemont Neighborhood  
Coalition

August 14, 1998

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion for Extension of Time was served by first-class mail, postage prepaid, to the parties identified below, on this 14th day of August, 1998.

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